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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,712	08/31/2001	Cameron Black	10731.73USU1	1737
23552	7590	09/21/2005	EXAMINER	
MERCHANT & GOULD PC			LY, ANH	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	

2162

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,712

Applicant(s)

BLACK ET AL.

Examiner

Anh Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/28/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination (RCE)

1. The request filed on 06/07/2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/944,712 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-20 are pending in this Application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4-5, 8-11, 12, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,974,412 issued to Hazlehurst et al. (hereinafter Hazlehurst) in view of US Patent No. 5,778,395 issued to Whiting et al. (hereinafter Whiting).

With respect to claim 1, Hazlehurst teaches a data management system (abstract and figs. 4 & 8, and col. 9, lines 42-67);

a first server processor for receiving a plurality of received data files, the data files being capable of being different file types (fig. 4, item 90, receiving a plurality of data file having various of types of data types from item 62, a various of sources: col. 7, lines 8-30);

a file organizing/categorizing processor for organizing the received data files (figs. 4-5, col. 8, lines 15-30);

a file logging processor for logging the received data files into a database formed by the source and destination directory structures and identifying a file type of the received data files (fig. 4, item 106, is another processor for transporting document from index tank 80 to multiple collators: col. 7, lines 55-65); and

a second server processor for exporting the image files (item 88, query the collators for document recommendations: col. 7, lines 55-65).

Hazlehurst teaches a data management system having multiple processors, archival of some of the documents as well as removal of duplicate files, that is,

uploading the documents to a second database and removing duplicates from this database. Hazlehurst does not clearly teach based on a predetermined user list, into a source directory structure including at least one source directory and a corresponding destination directory structure including at least one destination directory; a de-duplicate processor for calculating a SHA value of the received data files to determine whether the received data files have duplicates and flagging duplicated data files in the database; and an image conversion processor for converting the remaining, de-duplicated, data files into image files, respectively.

However, Whiting teaches directories as shown in fig. 2, source and destination directories, documents are uploaded to a second database in an image format and then de-duplication is performed to remove duplicates (figs. 1-3, data uploading processor 100 for uploading/backing up a first database (item 102-105) to a second database item 101 and a de-duplicate processor coupling to the data uploading processor (item 108) for calculating a value of the received data files in the database (abstract, col. 4, lines 60-67 and col. 5, lines 1-50).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hazlehurst with the teachings of Whiting, One having ordinary skill in the art would have found it motivated to utilize the use of source and destination directory and data uploading processor and de-duplicate processor as disclosed (Whiting's abstract, figs. 1-3, col. 4, lines 60-67 and col. 5, lines 1-50) into the system of Hazlehurst for the purpose of providing a means for

backing up data and removing duplicated files in order to reduce the overhead of retrieval information.

With respect to claim 4, Hazlehurst teaches wherein the data files include email data files and user data files (any type of document format can be used in IQE system: col. 7, lines 17-30).

With respect to claim 5, Hazlehurst teaches wherein the email data files are in a variety of formats including Microsoft Mail, Outlook, GroupWise, Lotus Notes,, the user data files have a variety of formats including Word, Excel, PowerPoint, and Access (col. 7, lines 17-30).

With respect to claim 8, Hazlehurst teaches wherein the file logging processor, the image conversion processor, and the second server processor are parallel processors such that the data files are parallel -processed in a data file logging stage, an image conversion stage, and an image file output stage (figs. 4-5; a plurality of image conversion processors).

With respect to claim 9, Hazlehurst teaches wherein the data files having the same file type are converted into the image files together (figs. 4-5).

With respect to claim 10, Hazlehurst teaches wherein the data management system includes a plurality of image conversion processors, each of the image conversion processors being capable of converting the data files having the same file type into the corresponding image files (figs. 4 & 9)

With respect to claim 11, Hazlehurst teaches wherein the file logging processor identifies the file type of the data files based on the information embedded in each of the data files (fig. 4, item 90 and item 108).

Claim 12 is essentially the same as claim 1 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 17 is essentially the same as claim 8 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 8 hereinabove.

Claim 18 is essentially the same as claim 9 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 19 is essentially the same as claim 10 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 20 is essentially the same as claim 11 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 11 hereinabove.

6. Claims 2-3, 6-7 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,974,412 issued to Hazlehurst et al. (hereinafter Hazlehurst) in view of US Patent No. 5,778,395 issued to Whiting et al. (hereinafter Whiting) and further in view of US Patent No. 6,442,573 issued to Schiller et al. (hereinafter Schiller).

With respect to claim 2, Hazlehurst in view of Whiting discloses a data management system as discussed in claim 1.

Hazlehurst and Whiting disclose substantially the invention as claimed.

Neither Hazlehurst nor Whiting does not teach wherein the image files are stored in the database to be viewed.

However, Schiller teaches a several image files to be displayed (col. 2, lines 5-10 and col. 3, lines 54-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hazlehurst in view of Whiting with the teachings of Schiller by incorporating the use of image filed to be viewed. The motivation being to provide a means for backing up data and removing duplicated files in order to reduce the overhead of retrieval information.

With respect to claim 3, Hazlehurst in view of Whiting discloses a data management system as discussed in claim 1.

Hazlehurst and Whiting disclose substantially the invention as claimed.

Neither Hazlehurst nor Whiting does not teach wherein the image files converted from the data files are in a tiff format.

However, Schiller teaches a several image files to be displayed (col. 2, lines 5-10 and col. 3, lines 54-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hazlehurst in view of Whiting with the teachings of Schiller by incorporating the use of image filed to be viewed. The motivation being to provide a means for backing up data and removing duplicated files in order to reduce the overhead of retrieval information.

With respect to claims 6-7, Hazlehurst in view of Whiting discloses a data management system as discussed in claim 1.

Hazlehurst and Whiting disclose substantially the invention as claimed.

Neither Hazlehurst nor Whiting does not teach wherein the email data files include attachment data and email files and wherein the attachment data and email files are associated with the email data files such that the: image data files for the email data files and the corresponding attachment data and email files can be viewed together.

However, Schiller teaches a several image files to be displayed (col. 2, lines 5-10 and col. 3, lines 54-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hazlehurst in view of Whiting with the teachings of Schiller by incorporating the use of image filed to be viewed. The motivation being to provide a means for backing up data and removing duplicated files in order to reduce the overhead of retrieval information.

Claim 13 is essentially the same as claim 2 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 14 is essentially the same as claim 3 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 15 is essentially the same as combination of claim 6 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 6 hereinabove.


Claim 16 is essentially the same as claim 7 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 7 hereinabove.


Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center **(571) 273-8300**

ANH LY 
SEP. 19th, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER